INFORMATION LETTER

Not for Publication — NATIONAL CANNERS ASSOCIATION — For Members Only

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BAE Issues Acreage Reports on Processing Vegetables

The Bureau of Agricultural Economics reported late yesterday on acreage and indicated production of green peas and snap beans for processing as of July 1, 1948. A total of 384,940 tons of green peas was indicated—12 percent less than the 1947 production of 438,410 tons. Production of snap beans was indicated to be 178,400 tons, which exceeds the 1947 production of 169,700 by 5 percent.

BAE also issued preliminary planted acreage reports on the following other processing crops:

Tomatoes—442,900 acres, 17.5 percent less than the 1947 planted acreage of 536,930. Beets—12,600 acres, 27 percent more than the 1947 planting of 9,950. Green Lima Beans—91,610 acres, 4 percent more than the previous record high of 1947 plantings of 87,730. Cabbage for Sauerkraut—8,340 acres, 70 percent more than the 1947 contracted acreage. Pimientos—14,500 acres planted in Georgia, 9 percent less than the 1947 planted acreage of 16,000.

Details of these estimates will be published in next week's issue of the INFORMATION LETTER.

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Proposed revised U. S. standards for grades of canned green and wax beans, issued by the Department of Agriculture, are published in the *Federal Register* of July 9.

Letter Mailing List

Imprints of the addressograph stencils showing the INFORMATION LETTER addressees of firms which receive more than one copy were mailed this week by the Association in its periodical check of the accuracy of the mailing list of the LETTER. It is requested that changes, deletions or additions be made on the pages showing the stencil imprints, rather than to prepare a separate list, and that these be returned to the Association promptly.

N.C.A. Procurement Committee

President Howard Cumming has received acceptances from the following canners whom he appointed to serve as a Special Committee on Government Procurement of Canned Foods: Carl N. Lovegren, United States Products Corp., San Jose, Calif., chairman; G. H. Clark, Terminal Island Sea Foods, Ltd., Terminal Island, Calif.; L. T. Dee, The Utah Canning Co., Ogden; A. D. Kennedy, The Crosse & Blackwell Co, Baltimore; A. L. Koch, Bordo Products Co, Chicago; and J. B. Weix, Oconomowoc Canning Co., Oconomowoc, Wis. Association personnel will act as secretariat for the Committee.

Colonel R. P. Hollis of the Office of the Quartermaster General was notified this week of the appointment of the Special Committee. He was advised, however, that because this is the canning season for most products and for almost all members of the Committee, an organization meeting of the Committee probably cannot be held until fall. The QMC also was told that although the Committee may be unable to (See *Procurement Committee Named*, page 262)

Final Order on Bean Standards Announced

The final order amending the standards of identity and the standards of quality for canned green and wax beans has been issued by the Federal Security Administrator. The provisions of the new order do not go into effect until October 1, 1948. The final order incorporates substantially all of the suggestions made by the bean canning industry at the hearing in Washington on March 16-19. The final order differs from the proposed order published in the May 13 issue of the *Federal Register* (See INFORMATION LETTER of May 15, 1948, page 199) in several minor respects. The final order amends the standard of identity to allow the presence in whole beans of "such broken pieces of pods as normally occur in the commercial pack- (See *Bean Standards Announced*, page 262)

Circuit Court Bans Exportation of Food Seized by FDA

Articles which have been seized under Section 304 of the Federal Food, Drug and Cosmetic Act as being adulterated cannot be released by the court for export, according to a recent decision handed down by the U. S. Circuit Court of Appeals for the Second Circuit. In the case of *United States* v. *Kent Food Corp.*, two lots of tomato catsup shipped in interstate commerce were seized by the Federal Food and Drug Administration on the grounds that the catsup was adulter- (See *Ruling in Seizure Case*, page 261)

Legislative Summary—80th Congress

The 80th Congress adjourned on June 20, 1948, until December 31, 1948, but reserved to the leaders of the majority party the authority to reassemble Congress before that date. The President is authorized by the Constitution to convene Congress at any time.

If the 80th Congress returns for a special session this fall, legislation will be considered in its status as of June 20. Otherwise, with adjournment, all bills which failed of enactment are dead, and to receive consideration they must be introduced in the 81st Congress. Similarly, past reports of committees and Congressional hearings will have no significance in the legislative process of the next Congress.

A detailed summary of legislative activity of the First Session of the 80th Congress was published in the INFORMATION LETTER of August 9, 1947, page 350.

Alaska Statehood

Delegate Bartlett introduced three successive bills providing for the admission of Alaska as the forty-ninth state, and the third measure, H. R. 5666, was reported favorably on April 14, 1948, by the House Committee on Public Lands. A rule permitting general floor debate was requested, but the House Rules Committee barred floor action by refusing to grant the rule.

Alaskan Indian Reservations

S. J. Res. 162, which would rescind certain orders of the Secretary of Interior establishing Indian reservations in Alaska, was amended and passed by the Senate on June 19, 1948. It was not voted on by the House.

Alaskan Port Privileges

The landing of halibut in Alaska by Canadian fishing vessels was authorized by P. L. 718, approved June 19, 1948.

Alaskan Salmon Trapsites

Hearings on S. 1446 and H. R. 3859, providing for the leasing of salmon trapsites in Alaska, were completed on January 30, 1948, by a joint subcommittee of the Senate Committee on Interstate and Foreign Commerce and the House Committee on Merchant Marine and Fisheries. The joint subcommittee issued a preliminary report on April 23, recommending enactment of legislation to clear up this problem, but suggesting further study of the bills by the respective committees.

Anti-Inflation Legislation

Voluntary agreements for the allocation of certain goods and services in short supply were authorized by P. L. 395, approved December 30, 1947, as anti-inflation legislation (See Export Controls and Transportation Controls).

Armed Services Procurement Act

The Armed Services Procurement Act, requiring purchases by the advertised bid method except in especially prescribed circumstances, became P. L. 413, on February 19, 1948. The Act requires the purchase of canned foods through advertising.

Census of Manufacturers

Legislation requiring the collection and publication of the census of manufacturers every five years was approved June 19, 1948, as P. L. 671. Funds to start the work were appropriated in the Second Deficiency Appropriations Act (P. L. 785).

Clam Studies

Legislation directing the Fish and Wildlife Service to undertake certain studies of soft-shell and hard-shell clams was approved by the President on May 26, 1948, as P. L. 556. (See INFORMATION LETTER of May 15, 1948, page 200.) Funds to be used for these studies were contained in the Department of Interior Appropriation Act for 1949.

Clayton Act

Legislation prohibiting sales of physical assets between competing corporations was reported favorably by the House Judiciary Committee, but was rejected by the Senate Committee on the Judiciary.

The Association filed a brief on S. 104 with the Senate Judiciary Committee on June 6, 1947. The brief cited the practice within the industry of supplementing packs through purchases from other canners, and expressed the opinion that the measure was not designed to affect inventory sales.

The House Judiciary Committee held hearings on a companion bill, H. R. 515, which was re-drafted and reported on June 17, 1947, as H. R. 3736. However, the House Committee on Rules did not grant a rule permitting floor action.

Although a Senate Judiciary subcommittee recommended favorable action on S. 104, the full Committee returned the bill to the subcommittee during May, 1948.

Columbia River Fisheries

The Army Civil Functions Appropriations bill (P. L. 782) contained an appropriation of $1,000,000 for stream improvement and the restoration of the fisheries of the lower Columbia River.

Commodity Credit Corporation

With the approval of P. L. 806 on June 29, 1948, the Commodity Credit Corporation was established on a permanent basis under a Government charter, and its authority to carry on present operations, including price support programs, was perpetuated. (See INFORMATION LETTER of June 26, 1948, page 244.)

D. C. Revenue Act

Public Law 509 exempts from the District franchise tax of five percent on net income from sales to District buyers and from the District $10 license tax, sellers who do not have a place of business or a warehouse in the District or an agent (other than an independent broker) with an office in the District. (See INFORMATION LETTER of May 8, 1948, page 195.)

Draft of Industry

Provision for Government seizure of plants, mines or production facilities for failure to fulfill mandatory orders for materials for the armed services or the Atomic Energy Commission is contained in Section 18 of the Selective Service Act of 1948 (P. L. 759, approved June 24, 1948). This provision is substantially the same as the conscription of industry provision in Section 9 of the Selective Training and Service Act of 1940, as amended. The Government seizure power under the 1940 Act expired on December 31, 1946.

Section 18 of the Selective Service Act of 1948 also provides that the President shall recognize small business in placing defense orders. A further provision empowers the President to require all steel producers to make steel available for defense orders, and if the steel producers fail to comply with the President's requirements, he is authorized to take possession of the steel plants.

Elimination of Golden Nematode

Programs of mandatory restrictions on planting or mandatory destruction of potato and tomato crops in areas infested by the golden nematode were authorized by the enactment of P. L. 645 approved June 15, 1948.

European Recovery Program

Congress provided in several ways and at a cost exceeding $24,000,000,000 for relief and recovery work abroad, but foremost of its actions in this line was implementation of the Marshall Plan for a European Recovery Program.

The Senate, in which the aid bill originated, proposed that the Administrator of ERP should determine Europe's needs and have authority to furnish any commodity which he determined to be necessary. The upper chamber also provided for the expenditure of "Section 32 funds" in the aid program.

Although the House subsequently adopted two amendments designed to encourage the purchase of "surplus" canned foods and canned fishery products, conferees reported that a broader authorization was desirable and eliminated these amendments from the final version of the bill, S. 2202. As approved by both houses and the President on April 3, 1948, the ERP authorization was for 12 months costing $5.3 billions (P. L. 472).

The House voted to appropriate only $4 billions to be spent for ERP over a 15-month period. In the conference report approved by both houses on June 20, 1948, Congress voted $4 billions for a 12-month ERP as the major portion of a $6,030,710,228 appropriation for global recovery (P. L. 793, approved June 28, 1948).

Export Controls

Controls over exports were extended four times, and now are scheduled to expire February 28, 1949. In addition, the use of price criteria in the licensing of exports was authorized.

Controls over exports were continued to June 30, 1947, by P. L. 29, until July 15 by P. L. 145, until February 29, 1948, by P. L. 188, and until February 28, 1949, by P. L. 395, which authorized the use of price criteria in the licensing of exports.

The House voted twice to repeal the price criteria provision, first in passing H. R. 5470 on March 15 and then in approving H. R. 6659 on May 26. Conferees on H. R. 6659, however, eliminated the repeal provision.

Fair Labor Standards Act

Hearings on the Fair Labor Standards Act were conducted by the labor committees of both houses, but no wage-hour legislation was reported and none was passed.

The Wage and Hour Subcommittee of the House Committee on Education and Labor, under Representative McConnell (Pa.), held hearings from October 20 through November 25, 1947, on a number of proposals to amend the wage-hour law, but made no report.

A subcommittee of the Senate Committee on Labor and Public Welfare, under Senator Ball (Minn.), held hearings on the Ball bill, S. 2386, and the Thomas bill, S. 2062. N.C.A. testified on April 29, 1948, in general opposition to S. 2062 and in support of S. 2386 which would have provided seasonal canning exemptions on the basis of the activity in which a particular establishment is engaged, rather than on the basis of the functions each employee performs, as the law now provides. The Association also urged retention of the fishery exemption, and recommended that the Walsh-Healey Act be amended to conform with the hours exemptions of the wage and hour law.

Farm Labor

Enactment of P. L. 893 (S. 2767) culminated efforts to obtain passage of legislation to provide for a Government farm labor recruitment and transportation program. The Act, which terminates June 30, 1949, authorizes the United States Employment Service to recruit and transport foreign agricultural workers from within the Western Hemisphere to places of employment in the United States. The costs of the program are to be borne by the employers of the workers through reimbursement of a revolving fund authorized in the law. Capital of $1,000,000 was appropriated for this purpose. (See INFORMATION LETTER of June 26, 1948, page 243.)

Among farm labor proposals rejected by Congress were bills to establish a permanent agricultural labor program in the Department of Agriculture, to continue on a temporary basis the wartime programs of the Department, and bills that would have specifically waived various Federal immigration charges on the importation of foreign workers.

Federal Meat Inspection Service

With the approval of P. L. 610 on June 7, 1948, the Department of Agriculture became responsible for payment of the cost of its Meat Inspection Service, effective July 1. Congress appropriated $11,500,000 for this purpose (P. L. 712).

Fish and Wildlife Transfer

The N.C.A. filed with the House Committee on Agriculture on May 18, 1948, a statement in opposition to provisions of the Hope bill, H. R. 6054, which would establish a national policy and program for the conservation and orderly development of the nation's agricultural land and water resources. The Association's statement opposed the section of the bill which would transfer the Fish and Wildlife Service to a proposed new Agricultural Resources Administration to be created in the Agriculture Department.

Food and Drug

Landis bill—No action was taken by the Congress on the Landis bill, H. R. 3763.

Salt bill—No action was taken by the Congress on the salt bill, H. R. 4211, introduced by Congresswoman Bolton (Ohio). (See INFORMATION LETTER, Feb. 28, 1948, page 132.) H. R. 6080, introduced by Mrs. Bolton on March 31, would have required the addition of suitable iodides in salt sold in packages of three pounds or less net weight.

Seizure bill—The Miller bill, H. R. 4071, which would amend the Federal Food, Drug and Cosmetic Act to permit Government seizure of contaminated food and drugs that have come to rest following interstate shipment, was passed by both houses and became P. L. 749 on June 24, 1948.

The House passed H. R. 4071 on January 13, 1948. Although the Senate adopted the amendment proposed by Senator Moore (Okla.), which would have required proof of willful or gross negligence, the House rejected it. As approved by both chambers on the last day of the session, the bill did not contain the Moore amendment.

Labor Management Relations Act

The Labor Management Relations Act of 1947, familiarly known as the Taft-Hartley Act, became P. L. 101 on June 23, 1947, after both houses voted to override the President's veto. (An analysis of the Act was published in the INFORMATION LETTER of July 12, 1947, page 324.)

Long-Range Agriculture Program

The Senate and House Committees on Agriculture conducted extensive hearings during 1947-48 on proposals for a long-range agricultural policy and program, and, after a long-range bill was reported in the Senate, its revised price support formula was approved and is to go into effect on January 1, 1950.

Both the Senate and House groups held hearings at various points throughout the country. Following the introduction of S. 2318 by Senator Aiken (Vt.) on March 15, 1948, the Senate Committee heard witnesses testify on the long-range bill. Subsequently, on May 13, the Committee reported S. 2318 with amendments.

As reported, S. 2318 was designed to accomplish two major objectives—"coordination of all agricultural programs at the National, State, and county levels," and creation of "a flexible price-support program for agricultural commodities adjusted to the supply and designed to obtain fair prices for farm products and assure abundant production."

The Senate passed S. 2318 on June 17 after adopting extensive amendments. Its revised parity formula was incorporated in price support legislation approved on the last day of the session, and is scheduled to become effective January 1, 1950. The Chairman of the House Agriculture Committee has stated that the new price support provisions should be studied "carefully" by the next Congress (See Price Supports).

Marketing Orders

Pepper bill—The N.C.A. testified on March 11, 1948, in opposition to the Pepper bill, S. 2173, which would have authorized the issuance of marketing orders controlling only citrus for canning. However, the bill was reported to the Senate and placed on the Senate Calendar. Consideration of S. 2173 was blocked under the Senate's unanimous consent agreement on the three occasions that it was reached on Calendar calls. A

companion bill, H. R. 5688, was introduced by Representative Hope, but no action was taken.

Hope bill—The N.C.A. opposed the Hope bill, H. R. 452, at hearings on the measure in February, 1947. The bill would have authorized the Secretary of Agriculture to issue marketing orders controlling all fruits and vegetables for canning. In reporting the bill, the House Committee on Agriculture eliminated the provisions which had been opposed by the industry. The House added to the canning exemption the freezing of fruits and vegetables, and the Senate approved the bill in this form (P. L. 305).

Ocean Transportation

The authority of the Maritime Commission to provide for ocean transportation to, from and within Alaska was extended through March 1, 1949, by P. L. 866, approved July 1, 1948.

Oriental Fruitfly Control

Dr. Charles G. Woodbury, former director and now consultant to the Raw Products Division, testified on April 26, 1948, before a subcommittee of the Senate Committee on Appropriations in support of increased appropriations for the Bureau of Entomology and Plant Quarantine, Department of Agriculture, for the control of the Oriental fruitfly.

Although the Committee did not accede to the N.C.A. request, it directed in its report on the Agriculture Department Appropriations bill (P. L. 712) that the Research and Marketing Administration give that problem priority over many other types of research.

Oyster Bed Rehabilitation

Appropriations for studies and rehabilitation of oyster beds near the mouth of the Mississippi River were authorized by P. L. 545, approved May 21, 1948. Funds for this program were provided in the Department of Interior Appropriation Act of 1949.

Price Supports

Although war-born support prices paid under the so-called Steagall amendment were to be terminated December 31 because of the President's declaration of the end of hostilities, Congress extended the present price support program through 1949, and voted to adopt a new and revised parity formula after that date. (See INFORMATION LETTER of June 26, 1948, page 244.) The support programs were extended by P. L. 897, approved July 3, 1948.

Reciprocal Trade Agreements

Authority for the Executive branch to negotiate reciprocal trade agreements was extended to June 30, 1949, with the approval of P. L. 792 on June 26, 1948.

Authority to negotiate trade agreements expired on June 12. Although the President had requested a three-year extension of authority, Congress voted the authority for only one year and changed the procedure to be followed in preparation for and completion of the agreements.

Surplus Canned Sweetpotatoes

Funds for the purchase of approximately 400,000 cases of canned sweetpotatoes from the 1946 pack for consumption as civil relief in Germany were voted by Congress in the First Deficiency Appropriations bill, approved May 10, 1948, as P. L. 519.

Tax Deductions for Soil Conservation

A number of bills to provide income tax deductions for expenditures incident to the prevention of erosion of agricultural land were introduced during the Second Session. Such provisions were incorporated in a general tax revision bill, H. R. 6712, which was reported by the House Committee on Ways and Means on May 28, 1948, and passed by the House on June 19, but did not receive Senate consideration.

Tidelands

The House approved a bill, H. R. 5992, to give the States title to tidelands out to the three-mile limit, but the Senate rejected this bill and a similar measure, S. 1988, which had been reported favorably by the Senate Judiciary Committee.

Representative Colmer (Miss.) introduced several measures designed to give the Federal government control over fisheries and shell fisheries in the tidelands areas, but the House Judiciary Committee rejected these proposals when it reported H. R. 5992. The House approved H. R. 5992 on April 30, 1948.

On the call of the Senate Calendar on June 1, 1948, H. R. 5992 was passed over. The Senate Judiciary Committee on June 10 reported S. 1988, which also would have given title to the tidelands to the States. S. 1988 was not passed by the Senate.

Tin Controls

Congress five times considered and passed measures extending provisions of the Second War Powers Act authorizing the exercise of allocation controls over tin and tin products.

Authorization for these controls was voted until June 30, 1947, by P. L. 29; until July 15, 1947, by P. L. 145; until February 29, 1948, by P. L. 188; until May 31, 1948, by P. L. 427; and until June 30, 1949, by P. L. 606.

Tin Smelting

Authority for the Executive branch to operate the Texas City, Tex., tin smelter was renewed twice, and now is scheduled to expire June 30, 1951. P. L. 125, approved in June, 1947, extended this authority through June 30, 1948. P. L. 824, approved June 29, 1948, continues the authority for three more years.

Transportation Controls

Executive authority for the control of transportation facilities was extended five times, and now is scheduled to expire June 30, 1949. The Office of Defense Transportation exercises these controls.

The controls were continued to June 30, 1947, by P. L. 29; until July 15 by P. L. 145; until February 29, 1948, by P. L. 188; until February 28, 1949, by P. L. 395; and until June 30, 1949, by P. L. 606.

United States Employment Service

President Truman's Reorganization Plan No. 1 of 1948, which would have transferred the Bureau of Employment Security from the Federal Security Agency and have made permanent the temporary transfer of the United States Employment Service to that Department in 1946, was rejected by concurrent resolution.

Congress provided, in H. R. 6355, a supplemental appropriations bill for the Federal Security Agency, for the transfer of the USES to FSA. President Truman vetoed the appropriations bill because he objected to this transfer, and both houses voted on June 16, 1948, to override the veto (P. L. 646). Thus, USES was transferred to the Federal Security Agency on July 1.

Walsh-Healey Act

At hearings on the Ball bill, S. 2386, on April 29, 1948, the N.C.A. recommended that the Walsh-Healey Public Contracts Act be amended so as to be inapplicable during the period employees are exempt under Sections 7(b)(3), 7(c), 13(a)(5) and 13(a)(10) of the Fair Labor Standards Act. The Senate Committee on Labor and Public Welfare took no action on the N.C.A. proposal or on S. 2386.

Water Pollution Control

No action was taken on the Kee-Kilgore bill, H. R. 1047-S. 244, which would allow tax deductions for expenses incurred in the construction of plants for treatment of industrial wastes being emptied into rivers or streams.

Representatives of the industry testified on July 7, 1947, before the House Committee on Ways and Means in support of the Kee-Kilgore bill.

The Taft-Barkley bill, S. 418, providing for abatement activities carried on cooperatively by the Federal and State governments, was approved as P. L. 845 on June 30, 1948. (See INFORMATION LETTER of June 26, 1948, page 244.)

PROCUREMENT

Bids on Export Requirements

In order to obtain the armed services' requirements of canned food for export, the Army Quartermaster Corps has begun to invite alternative bids on plain cans of some foods when it is felt that canners may be unable to supply cans with enamel on the outsides.

Alternative bids on plain cans will be considered only when invitations to bid so specify, and contracts for plain cans will be awarded only after the QMC contracts for enameled cans. These alternative bids will be asked only on foods which the QMC finds can be adequately preserved in plain cans. Studies to determine which foods will require special protection for overseas shipment are under way.

Invitations to Bid

QMC Offices—Quartermaster Corps, 111 East 16th Street, New York, N. Y.; Chicago Quartermaster Purchasing Office, 1819 West Pershing Road, Chicago 9, Ill.; Western Branch, Chicago Quartermaster Purchasing Office, Oakland Army Base, Oakland 14, Calif.

The Walsh-Healey Public Contracts Act will apply to all operations performed after the date of notice of award if the total value of a contract is $10,000 or over.

The Army has invited sealed bids to furnish the following:

CANNED CHERRIES (red sour pitted)—69,223 dozen No. 10 and 289,433 dozen No. 2 cans. Bids due at Chicago under serial No. QM-11-183-49-2 by July 15.

EVAPORATED MILK—11,494 cases of 14½-oz. cans. Bids due at Chicago under serial No. QM-11-183-49-6 by July 21.

CANNED APRICOTS (h., unp.)—15,455 dozen No. 10 and 321,504 dozen No. 2½ cans. Bids due at Oakland under serial No. QM-04-493-48-190 by Aug. 2.

Ruling in Seizure Case

(Concluded from page 257)

ated because of high mold count. The U. S. District Court for the Eastern District of New York, where the libel was filed, issued an order of condemnation but provided for the release of the goods to the claimant for export under the supervision of the Food and Drug Administration. The District Court held that it had the power in its discretion to permit the export of the goods with proper restrictions under Section 801 (d) of the Act and was not required to order the goods destroyed.

Section 801 (d) provides that foods, drugs, devices and cosmetics intended for export shall not be deemed to be adulterated or misbranded if the article complies with the specifications of the foreign purchaser, is not in conflict with the laws of the country to which it is to be exported, and is labeled on the outside of the shipping package to show that it is intended for export.

The Circuit Court of Appeals held in this case that the District Court had no authority to permit the export of the catsup after it had been seized in interstate commerce as being adulterated. The court pointed out that the seizure section, Section 304, provides that when seized articles are released to the owner, they shall be destroyed or brought into compliance with the Act, but there is no provision in this section for export of the seized articles. A violator of the Act could avoid the consequences of his wrong by exporting the seized goods under the lower court's holding, but there is no intent in the Act to allow such an escape from statutory penalties, according to the Circuit Court opinion.

STATISTICS

Food Closures Production

Production of commercial metal and plastic caps during 1947 amounted to 11.0 billion units, according to the Bureau of the Census, Department of Commerce. This was 27 percent below the 1946 total of 15.1 billion units. The decline was principally in the metal caps for food containers, although the other types also decreased. The 1947 total consisted of 5.7 billion metal caps for food containers, 3.1 billion metal caps for non-food containers, and 2.2 billion plastic caps for non-food containers. This compares with 1946 output of 8.3 billion metal caps for food containers, 4.2 billion metal caps for non-food containers, and 2.6 billion plastic caps for non-food containers.

January, with production of 1.3 billion closures, was the best month of 1947 and the only month above the level of most months of 1946. After January, output gradually declined reaching the lowest point for the year in July.

ACREAGE OF PEAS FOR CANNING IS DOWN 9.5 PERCENT

Green Peas Planted for Canning Reported at 314,598 Acres; Was 347,328 in 1947

The actual planted acreage of green peas sown for canning in 1948 totaled 314,598 acres or about 9.5 percent less than the planted acreage in 1947 of 347,328 acres, according to a survey made by the Association's Division of Statistics. (Another report on pea acreage, prepared by the Department of Agriculture, showing both indicated acreage and tonnage for peas grown for canning and freezing, was published in the INFORMATION LETTER of July 3, page 254.)

The following table, based on reports from all canners known to have planted peas for canning, show the total canning pea acreage by States for 1947 and 1948 and also the acreage planted in Alaskas, Early Sweets, and Late Sweets for this year. These acreage figures cover only peas planted for canning and do not include acreage for freezing, brining, or other purposes.

PEA ACREAGE WITH COMPARISONS

States	1948 Pea Acreage by Types			1948 Total	1947 Total
	Alaskas	Sweets			
		Early	Late		
	Acres	*Acres*	*Acres*	*Acres*	*Acres*
Maine	.....	1,075	50	1,125	1,433
New York	345	6,788	10,182	17,315	11,919
Maryland	4,910	948	1,435	7,293	10,571
Delaware and New Jersey	850	58	.....	908	2,923
Pennsylvania	2,631	2,396	2,296	7,323	13,435
Ohio	1,457	414	258	2,129	2,780
Indiana	3,653	500	20	4,173	3,075
Illinois	4,262	4,386	10,480	19,128	17,506
Michigan	188	4,764	1,765	6,717	6,399
Wisconsin	49,911	29,706	46,403	126,022	134,832
Minnesota	10,126	5,891	17,746	33,763	33,543
Utah and Idaho	238	5,259	9,736	15,253	12,649
Washington and Oregon	3,160	22,328	35,313	60,801	76,501
Other States	3,727	3,168	5,753	12,648	19,762
Total	85,478	87,683	141,437	314,598	347,328

PUBLICITY

Magazine Editorializes on Canned Foods Nutrition

The nutrition program of the National Canners Association and the Can Manufacturers Institute is the subject of a full-page editorial in the July issue of *What's New in Home Economics*, a publication of 35,500 circulation which reaches home economists and teachers of home economics. The editorial is one of a continuing series of articles in which are presented reports of fundamental research and practical investigations carried on by industry.

Pointing out that three decades ago little nutritional information was available, the editorial states that today the nutritive values of 41 commercially canned foods are readily available to all. "Continuing detailed study of the nutrients in the most frequently consumed non-formulated canned foods has opened the door to new facts about nutrition in the canning industry. Knowledge gained in the nutrition field in the past 40 years has been almost as spectacular as the knowledge gained in atomic science," the editorial states.

The editorial reviews the history of canned food nutrition research from the time it was pioneered by the National Canners Association in 1923 through the war years and up to the present time. It describes the joint program begun in 1942 by N.C.A. and CMI and states that, in general, the main points of the program were outlined to cover: analysis of the nutritive values of the most frequently consumed non-formulated canned foods; the effects of large and small scale preparation methods (used in homes and restaurants, and in military and naval kitchens); the effects of storage times and temperatures on certain vitamins in canned foods; and a study of the effects of various canning procedures on vitamin retention.

The account goes on to cover the sampling program the grants-in-aids that were made to the colleges and universities, the publication of results in the form of technical papers, charts, booklets and bulletins, and concludes with the following paragraph:

"The continuing program has revealed a good deal of reliable nutritional data on canned foods. It also has re-emphasized the fact that the nutritive value of canned foods is equal to foods cooked in any other way. The canning industry has exercised the greatest care in growing, processing and harvesting foods to conserve nutrients. In rushing foods from farms to nearby canneries at the very peak of freshness, foods are usually far fresher when canned than raw foods bought in groceries or fruit stores and brought home for cooking. And in modern processing of canned foods, loss of nutritive values is minimized."

Procurement Committee Named

(Concluded from page 257)

act formally until fall, the Association will be pleased to consult with Committee members at any time on any problem that the QMC may present, will continue to be ready to assist in canned food procurement matters, and will maintain its contacts with officers of the Quartermaster Corps.

The Special Committee was appointed pursuant to a resolution adopted by the Board of Directors at its May meeting, at which Colonel Hollis assured the industry of the QMC's desire to cooperate in facilitating canned food procurement. The text of the resolution is as follows:

Resolved, That a special committee of the Association be appointed to serve until the Board of Directors meeting in January, 1949, to consult with the Army Quartermaster Corps and other Government procurement agencies as to the best methods of Government procurement of canned foods and to advise these agencies on such matters as practicable specifications, dates for bid offers, and other factors with respect to procurement.

Bean Standards Announced

(Concluded from page 257)

ing of such product." The definition for "Short Cuts" is amended to read: "Pieces of pods of which not less than 75 percent by count are less than ¾ inch in length and not more than one percent by count are more than 1¼ inches in length."

The standard of identity is amended to provide that the word "Stringless" may be used any place on the label when the beans are in fact stringless, and it is specifically provided that the term "Stringless" may be used between the words "Green" and "Beans."

The standard of quality is amended by the final order in several respects. The tolerance of 60 pieces less than one-half inch in length per 12 ounces is amended to provide that where the number of units per 12 ounces exceeds 240, the tolerance for pieces less than one-half inch in length shall be 25 percent by count of the total units in the can.

Perhaps the most important amendment to the standard of quality is the amendment providing that the tolerance for seeds shall be 25 percent rather than 15 percent as in the present standard. The tolerance for blemished units is changed to 8 percent by count, instead of the tolerance of 12 units per 12 ounces of drained weight in the present standard, but the definition of blemishes is left unchanged.

The method of determining fiber content is made somewhat more exact in the amendments to the standard of quality. Finally, the canner is given the option of listing on the substandard label the respect in which the product is substandard, where the product is substandard for an excessive number of short pieces, an excessive number of blemished units, an excessive number of unstemmed units, or excessive foreign material.

It is suggested that all bean canners study these amendments to the present standards and the findings of fact on which the amendments are based. Copies of the final order containing the amendments and the findings of fact are reproduced in full from the *Federal Register* of July 3, as follows:

OFFICIAL TEXT OF FINAL ORDER ON BEAN STANDARDS

Final order. By virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (Secs. 401, 701; 52 Stat. 1046, 1055; 21 U. S. C. 341, 371), and upon the basis of substantial evidence received at the hearing duly held pursuant to notice published in the *Federal Register* on February 14, 1948 (13 F. R. 692); no exceptions having been filed to the tentative order issued by the Acting Federal Security Administrator and published in the *Federal Register* on May 13, 1948 (13 F. R. 2592 et seq.; corrected 13 F. R. 2631), the following order is hereby promulgated:

Definitions and Standards of Identity

Findings of fact.[1] 1. Paragraph (a) (1) of § 51.10, which establishes a definition and standard of identity for canned green beans, defines the form of bean ingredient known as "Whole" as "Whole pods or transversely cut pods not less than 2¾ inches in length." The exact significance of this

[1] The citations following each finding of fact refer to the pages of the transcript of the testimony and the exhibits received in evidence at the hearing.

subparagraph as applied to the canned product, prepared from whole green beans or wax beans which, after cutting off the stems, are less than 2¾ inches in length, or as applied to whole beans which are broken during blanching or while being packed into the can has not been entirely clear. For the purpose of differentiating between whole beans, packed either without arrangement or vertical style, and the various styles of cut beans, it is unnecessary to establish any numerical tolerance for these short and broken beans. Beans vary in length and a naturally short bean is still regarded as whole although it is less than 2¾ inches long after removal of either or both ends. A change in the wording of § 51.10 (a) (1) which will give the meaning intended will be obtained by substituting for it the following:

(1) Whole pods, including pods which after removal of either or both ends are less than 2¾ inches in length, or transversely cut pods not less than 2¾ inches in length. There may be present such broken pieces of pods as normally occur in the commercial packing of such product. (R. 18, 47, 53-55, 63, 77, 105; Ex. 5)

2. Subparagraphs (3) and (4) of § 51.10 (a) distinguish between transversely cut pods on the basis of the length of the cut pieces. The pieces less than ¾ inch in length are designated in § 51.10 (b) as "Short Cuts," and those between ¾ inch and 2¾ inches as "Cuts." Many canners now wish to pack canned green beans and canned wax beans in the form defined as short cuts. Where the procedure used for obtaining the short cuts is to first cut the beans into pieces 1 inch in length or longer (for canning as cut beans) and to remove the shorter pieces by machine (for packing as short cuts), difficulty has been encountered in completely separating all pieces longer than ¾ inch in length from the short cuts. A differentiation between "Short Cuts" and "Cuts" which reasonably conforms with the consumer understanding of short cuts without making it unreasonably difficult to pack them, will provide for the presence in short cuts of a substantial number of pieces slightly longer than ¾ inch, but will permit only a few much longer pieces, since pieces more than 1¼ inches in length are in such contrast with the pieces around ½ inch in length that the mixture assumes a very unattractive appearance. There is no need to change the definition of "Cuts." The present wording of § 51.10 (b) (4) should be changed to read:

(4) Pieces of pods of which not less than 75 percent by count are less than ¾ inch in length and not more than 1 percent by count are more than 1¼ inches in length. (R. 201-204; Ex. 16)

3. It was the custom for many years, prior to the promulgation of the present definitions and standards of identity for canned green beans and canned wax beans, for the word "Stringless" to be used as part of the names of such beans. When definitions and standards of identity for these foods were amended, doubt arose as to whether it was permissible to place the term "Stringless" in the name of those canned green beans and canned wax beans which were in fact stringless, or whether any reference to lack of strings must be placed in subsidiary labeling. Where canned green beans and canned wax beans are in fact stringless, the use of the designation "Stringless" in the name is unobjectionable. The wording of § 51.10 (c) should be changed to read as follows:

(c) Wherever the name "Green Beans" appears on the lable so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed by paragraph (b) of this section shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that there may intervene (1) the designation of the length of cut, (2) the varietal name, which may include the word "Stringless," where the beans are in fact stringless, and (3) the description of the green beans as "Stringless," which may also be used between the words "Green" and "Beans," where the beans are in fact stringless.

The wording of § 51.15 (b) should be changed to read as follows:

(b) Wherever the name "Wax Beans" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words and statements prescribed by paragraph (b) of this section shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that there may intervene (1) the designation of the length of cut, (2) the varietal name, which may include the word "Stringless" where the beans are in fact stringless, and (3) the description of the wax beans as "Stringless," which may also be used between the words "Wax" and "Beans," where the beans are in fact stringless. (R. 233-4)

Conclusions. On the basis of the evidence of record and the foregoing findings of fact, it is concluded that it will promote honesty and fair dealing in the interest of the consumer to amend the definitions and standards of identity for canned green beans and canned wax beans so that after making the recommended changes they read as follows:

§ 51.10. *Canned green beans; identity; label statement of optional ingredients.* (a) Canned green beans is the food prepared from stemmed, succulent pods of the green-bean plant, and water. It may be seasoned with salt, sugar, or dextrose, or any two or all of these. The pods are prepared in one or more of the following forms:

(1) Whole pods, including pods which after removal of either or both ends are less than 2¾ inches in length, or transversely cut pods not less than 2¾ inches in length. There may be present such broken pieces of pods as normally occur in the commercial packing of such product.

(2) Pods sliced lengthwise.

(3) Pods cut transversely into pieces less than 2¾ inches in length but not less than ¾ inch in length, with or without shorter end pieces resulting therefrom.

(4) Pieces of pods of which not less than 75 percent by count are less than ¾ inch in length and not more than 1 percent by count are more than 1¼ inches in length.

Any such form is an optional ingredient. Mixtures of two or more optional ingredients may be used. The food is sealed in a container and so processed by heat as to prevent spoilage.

(b) (1) When optional ingredient (a) (1) of this section is used the label shall bear the word "Whole." If the pods are packed parallel to the sides of the container the word "Whole" shall be preceded or followed by the words "Vertical Pack," except that when the pods are cut at both ends and are of substantially equal lengths, the words "Asparagus Style" may be used in lieu of the words "Vertical Pack."

(2) When optional ingredient (a) (2) of this section is used the label shall bear the words "Sliced Lengthwise" or "French Style."

(3) When optional ingredient (a) (3) of this section is used the label shall bear the word "Cut" or "Cuts."

(4) When optional ingredient (a) (4) of this section is used the label shall bear the words "Short Cut" or "Short Cuts" or " . . . Inch Cut" or " . . . Inch Cuts," the blank to be filled in with the fraction of an inch which denotes the approximate length of the pieces.

(5) When a mixture of two or more of the optional ingredients in paragraphs (a) (1) to (a) (4), inclusive, of this section, is used the label shall bear the statement "Mixture of . . . ," the blank to be filled in with the combination of the names "Whole," "Sliced Lengthwise," "Cut," or "Cuts," and "Short Cut" or "Short Cuts," designating the optional ingredients present, and arranged in the order of predominance, if any, by weight of such ingredients.

(c) Wherever the name "Green Beans" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words and statements prescribed by paragraph (b) of this section shall immediately and conspicuously precede or follow such name, without intervening written,

printed, or graphic matter, except that there may intervene (1) the designation of the length of cut, (2) the varietal name, which may include the word "Stringless," where the beans are in fact stringless, and (3) the description of the green beans as "Stringless," which may also be used between the words "Green" and "Beans," where the beans are in fact stringless.

§ 51.15 *Canned wax beans; identity; label statement of optional ingredients.* (a) Canned wax beans conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients prescribed for canned green beans by §51.10 (a) and (b), except that it is prepared from stemmed, succulent pods of the wax-bean plant.

(b) Wherever the name "Wax Beans" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words and statements prescribed by paragraph (b) of this section shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that there may intervene (1) the designation of the length of cut, (2) the varietal name, which may include the word "Stringless" where the beans are in fact stringless, and (3) the description of the wax beans as "Stringless," which may also be used between the words "Wax" and "Beans," where the beans are in fact stringless.

Standards of Quality

Findings of fact.[1] 1. The quality standards for canned green beans and canned wax beans prescribe a maximum limit on the number of pieces of such beans less than ½ inch in length in all optional forms of such beans except the "Short Cuts" and "Sliced Lengthwise." Where cut beans of small sieve size are canned, a larger number of units for a given drained weight of beans result than when the larger sieve sizes are packed. Where the number of units per 12 ounces drained weight exceed 240, the present limit of 60 pieces less than ½ inch in length is more stringent than necessary. Satisfactory control of impairment of quality by presence of very short pieces will be obtained without unduly penalizing small beans when the following proviso is added to subparagraph (1) of paragraph (a) of § 51.11: "*Provided*, That where the number of units per 12 ounces drained weight exceed 240, not more than 25 percent by count of the total units are less than ½ inch long." (R. 248, 249; Ex. 18)

2. The quality of canned green beans and canned wax beans depends, among other things, upon the stage of maturity of such beans before canning. The percentage of seeds in the pods of green beans and wax beans is a measure of the stage of their maturity, but due to variations in the size of the seeds in different varieties no single prescribed percentage of seeds in pods will serve to establish the same degree of maturity in all varieties. The present quality standard, among other things, prescribes 15 percent as the maximum percentage by weight of seeds and pieces of seeds in the trimmed pods in canned green beans and canned wax beans of standard quality (§ 51.11 (a) (2)). Although this limit accomplished its purpose in the case of some varieties of canned green beans and canned wax beans, in other varieties it caused to be classified as substandard canned green beans and canned wax beans of standard quality. Some varieties of green beans and wax beans do not develop fibrous material rapidly, and the only objective method now in use for establishing the stage of their maturity beyond which quality is impaired is the determination of the percentage by weight of seeds in the pods. A requirement that the trimmed pods in canned green beans and canned wax beans contain not more than 25 percent by weight of seeds and pieces of seeds will establish the stage of maturity beyond which quality is seriously impaired. In those varieties which develop fiber more rapidly than seed the limit on fiber (§ 51.11 (a) (4)) serves to classify canned green beans or canned wax beans of such varieties as of substandard quality before the percentage of seed in trimmed pods reaches 25 percent. (R. 254-258, 286, 317-339, 371, 372, 402, 505-507, 534, 464-466, 478-480; Ex. 19, 20, 22, 24, 25, 26, 28, 36)

3. Evidence of record shows that the requirement of § 51.11 (a) (4) has been a satisfactory limit on that substance in canned green beans and canned wax beans known as fibrous material. The details of the chemical method for determining fibrous material (§ 51.11 (b)) have not been sufficiently clear, and a few changes in its wording are likely to make it easier to apply. The following expanded description should replace § 51.11 (b) (6):

Transfer to the metal cup of a malted-milk stirrer and mash with a pestle. Wash material adhering to the pestle back into cup with 200 cc. of boiling water. Bring mixture nearly to a boil, add 25 cc. of 50 percent (by weight) sodium hydroxide solution and bring to a boil. (If foaming is excessive, 1cc. of capryl alcohol may be added.) Boil for 5 minutes, then stir for 5 minutes with a malted-milk stirrer capable of a no-load speed of at least 7200 r. p. m. Use a rotor with two scalloped buttons shaped as shown in the diagram in Exhibit 1.

Transfer the material from the cup to a previously weighed 30-mesh monel metal screen having a diameter of about 3½ to 4 inches and side walls about 1 inch high, and wash fiber on the screen with a stream of water using a pressure not exceeding a head (vertical distance between upper level of water and outlet of glass tube) of 60 inches, delivered through a glass tube 3 inches long and ⅛ inch inside diameter inserted into a rubber tube of ¼ inch inside diameter. Wash the pulpy portion of the material through the screen and continue washing until the remaining fibrous material, moistened with phenolphthalein solution, does not show any red color after standing 5 minutes. Again wash to remove phenolphthalein. Dry the screen containing the fibrous material for 2 hours at 100° C., cool, weigh, and deduct weight of screen. Divide the weight of fibrous material by the weight of combined deseeded pods, trimmings, and strings and multiply by 100 to obtain the percentage of fibrous material. (R. 633-635, 650, 651)

4. The record of hearing contains several expressions of opinion as to the difficulty of describing blemished units and suggestions for improvement, but none of these suggested descriptions appears to have any advantage over that contained in § 51.11 (a) (5) for the purpose of describing a blemished unit which consumers would reject when given an opportunity. (R. 619-625, 630-631, 636, 642-647)

5. The limit on blemished units prescribed by § 51.11 (a) (5) is 12 blemished units per 12 ounces drained weight. This requirement, which limits blemished units on the basis of the number in a given weight of canned green beans or canned wax beans, is more stringent on cut beans than on whole beans. Rather than establish different limits for different forms of beans as a means of equalizing the limit on blemishes, a limit based on percentage by count of the total number of units in the container will generally be more satisfactory. A reasonable limit is that the percent of blemished units by count is not more than 8 percent. The amended subparagraph § 51.11 (a) (5) should read:

(5) There are not more than 8 percent by count of blemished units. A unit is considered blemished when the aggregate blemished area exceeds the area of a circle ⅛ inch in diameter. (R. 610-617, 636-641)

6. The amendments to the standard of quality for canned green beans and canned wax beans, shown to be required by the foregoing findings of fact, make it necessary to revise the wording of the method for determining whether these foods are of substandard quailty. The required changes in the method appear in § 51.11 (b) of the regulations which

[1] The citations following each finding of fact refer to the pages of the transcript of the testimony and the exhibits received in evidence at the hearing.

is set forth herein. (R. 633-635, 650, 651)

7. Where canned green beans or canned wax beans is rendered substandard only by the presence of excessive numbers of very short pieces, a more informative supplementary wording in the label statement of substandard quality than that now provided will be obtained by replacing the words "Good Food—Not High Grade" with the words "Excessive Number Very Short Pieces." Where canned green beans or canned wax beans is rendered substandard only by the presence of an excessive number of blemished units a more informative supplementary wording in the label statement of substandard quality than that now provided will be obtained by replacing the words "Good Food—Not High Grade" with the words "Excessive Number of Blemished Units." Where canned green beans or canned wax beans is rendered substandard only by the presence of an excessive number of unstemmed units, a more informative supplementary wording in the label statement of substandard quality will be obtained by replacing the words "Good Food—Not High Grade" with the words "Excessive Number of Unstemmed Units." Where canned green beans or canned wax beans is rendered substandard only by the presence of excessive foreign material, a more informative supplementary wording in the label statement of substandard quality will be obtained by replacing the words "Good Food—Not High Grade" with the words "Excessive Foreign Material." (R. 542-543)

On the basis of the evidence of record and the foregoing findings of fact, it is concluded that it will promote honesty and fair dealing in the interest of the consumer to amend the standards of quality for canned green beans and canned wax beans, so that §§ 51.11 and 51.16, after making the necessary changes, read as follows:

§ 51.11 *Canned green beans; quality; label statement of substandard quality.* (a) The standard of quality of canned green beans is as follows:

When tested by the method prescribed in paragraph (b) of this section:

(1) In the case of cut beans (§ 51.10 (a) (3)) and mixtures of two or more of the optional ingredients specified in § 51.10 (a) (1) to (a) (4), inclusive, not more than 60 units per 12 ounces drained weight are less than ½ inch long; *Provided*, That where the number of units per 12 ounces drained weight exceed 240, not more than 25 percent by count of the total units are less than ½ inch long.

(2) The trimmed pods contain not more than 25 percent by weight of seed and pieces of seed.

(3) In case there are present pods or pieces of pods 27/64 inch or more in diameter, there are not more than 12 strings per 12 ounces of drained weight which will support ½ pound for 5 seconds or longer.

(4) The deseeded pods contain not more than 0.15 percent by weight of fibrous material.

(5) There are not more than 8 percent by count of blemished units. A unit is considered blemished when the aggregate blemished area exceeds the area of a circle ¼ inch in diameter.

(6) There are not more than 6 unstemmed units per 12 ounces of drained weight.

(7) The combined weight of loose seed and pieces of seed is not more than 5 percent of the drained weight. This provision does not apply in case the green-bean ingredient is pods sliced lengthwise (§ 51.10 (a) (2)).

(8) The combined weight of leaves, detached stems, and other extraneous vegetable matter is not more than 0.6 ounce per 60 ounces drained weight.

(b) Canned green beans shall be tested by the following method to determine whether they meet the requirements of paragraph (a) of this section.

(1) Distribute the contents of the container over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table 1 of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and the drained material. Record, in ounces, the weight so found, less the weight of the sieve, as the drained weight.

(2) Pour the drained material from the sieve into a flat tray and spread it in a layer of fairly uniform thickness. Count the total number of units. For the purpose of this count, loose seed, pieces of seed, loose stems, and extraneous material are not to be included. Divide the number of units by the drained weight recorded in subparagraph (1) of this paragraph and multiply by 12 to obtain the number of units per 12 ounces drained weight.

(3) Examine the drained material in the tray, counting and recording the number of blemished units, number of unstemmed units, and, in case the material consists of the optional ingredient specified in paragraph (a) (3) or a mixture of two or more of the optional ingredients specified in paragraphs (a) (1) to (a) (4), inclusive, of § 51.10, count and record the number of units which are less than ½ inch long. If the number of units per 12 ounces is 240 or less, divide the number of units which are less than ½ inch long by the drained weight recorded in subparagraph (1) of this paragraph and multiply by 12 to obtain the number of such units per 12 ounces drained weight. If the number of units per 12 ounces exceed 240, divide the number of units less than ½ inch long by the total number of units and multiply by 100 to determine the percentage by count of the total units which are less than ½ inch long.

Divide the number of blemished units by the total number of units in the container and multiply by 100 to obtain the percentage by count of blemished units in the container.

Divide the number of unstemmed units by the drained weight recorded in subparagraph (1) of this paragraph and multiply by 12 to obtain the number of unstemmed units per 12 ounces of drained weight.

(4) Except in the case of pods sliced lengthwise, remove the loose seed and pieces of seed, weigh and record weight and return to tray. Divide the weight of loose seed and pieces of seed by the drained weight recorded in subparagraph (1) of this paragraph and multiply by 100 to obtain the percentage by weight of loose seed and pieces of seed in the drained material.

(5) Remove from the tray the extraneous vegetable material, weigh, record weight, and return to tray.

(6) Remove from the tray one or more representative samples of 3½ to 4 ounces, covering each sample as taken to prevent evaporation. If the tray includes pods or pieces of pods 27/64 inch or more in diameter, weigh and record weight in ounces of each representative sample.

(7) From each representative sample selected in subparagraph (6) of this paragraph discard any loose seed and extraneous vegetable material and detach and discard any attached stems. Except with optional ingredient (a) (2) of § 51.10 (pods sliced lengthwise), trim off, as far as the end of the space formerly occupied by the seed, any portion of pods from which seed have become separated. Remove and discard any portions of seed from the trimmings and reserve the trimmings for subparagraph (9) of this paragraph. Weigh and record the weight of the trimmed pods. Deseed the trimmed pods and reserve the deseeded pods for subparagraph (9) of this paragraph. If the original container contained pods 27/64 inch or more in diameter, remove strings from the pods during the deseeding operation. Reserve these strings for testing as prescribed in subparagraph (8) of this paragraph. Collect the seed on a sieve of mesh fine enough to retain them, and so distribute them that any liquid drains away. Weigh the seed, divide by the weight of the

trimmed pods, and multiply by 100 to obtain the percentage by weight of seed in the trimmed pods.

In the case of pods sliced lengthwise remove seed and pieces of seed and reserve the deseeded pods for use as prescribed in subparagraph (9) of this paragraph.

(8) If strings have been removed for testing, as prescribed in subparagraph (7) of this paragraph, test them as follows:

Fasten clamp, weighted to ½ pound, to one end of the string, grasp the other end with the fingers (a cloth may be used to aid in holding the string), and lift gently. Count the string as tough if it supports the ½-pound weight for at least 5 seconds. If the string breaks before 5 seconds, test such parts into which it breaks as are ½ inch or more in length and if any such part of the string supports the ½-pound weight for at least 5 seconds count the string as tough. Divide the number of tough strings by the weight of the sample recorded in subparagraph (6) of this paragraph and multiply by 12 to obtain the number of tough strings per 12 ounces drained weight.

(9) Combine the deseeded pods with the trimmings reserved in subparagraph (7) of this paragraph, and, if strings were tested as prescribed in subparagraph (8) of this paragraph, add such strings, broken or unbroken. Weigh and record weight of combined material. Transfer to the metal cup of a malted-milk stirrer and mash with a pestle. Wash material adhering to the pestle back into cup with 200 cc. of boiling water. Bring mixture nearly to a boil, add 25 cc. of 50 percent (by weight) sodium hydroxide solution and bring to a boil. (If foaming is excessive, 1 cc. of capryl alcohol may be added.) Boil for 5 minutes, then stir for 5 minutes with a malted-milk stirrer capable of a no-load speed of at least 7200 r. p. m. Use a rotor with two scalloped buttons shaped as shown in the diagram in Exhibit 1.

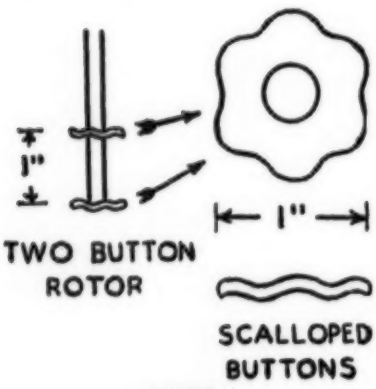

EXHIBIT 1

Transfer the material from the cup to a previously weighed 30-mesh monel metal screen having a diameter of about 3½ to 4 inches and side walls about 1 inch high, and wash fiber on the screen with a stream of water using a pressure not exceeding a head (vertical distance between upper level of water and outlet of glass tube) of 60 inches, delivered through a glass tube 3 inches long and ⅛ inch inside diameter inserted into a rubber tube of ¼ inch inside diameter. Wash the pulpy portion of the material through the screen and continue washing until the remaining fibrous material, moistened with phenolphthalein solution, does not show any red color after standing 5 minutes. Again wash to remove phenolphthalein. Dry the screen containing the fibrous material for 2 hours at 100° C., cool, weigh, and deduct weight of screen. Divide the weight of fibrous material by the weight of combined deseeded pods, trimmings, and strings and multiply by 100 to obtain the percentage of fibrous material.

(10) If the drained weight recorded in subparagraph (1) of this paragraph was less than 60 ounces, open and examine separately for extraneous material, as directed in subparagraph (5) of this paragraph, additional containers until a total of not less than 60 ounces of drained material is obtained. To determine the combined weight of extraneous vegetable material per 60 ounces of drained weight, total the weights of extraneous vegetable material found in all containers opened, divide this sum by the sum of the drained weights in these containers and multiply by 60.

(c) If the quality of the canned green beans falls below the standard of quality prescribed by paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 (a) of this chapter (21 CFR, Cum. Supp. 10.2 (a)), in the manner and form therein specified, but in lieu of the words prescribed for the second line inside the rectangle the following words may be used, when the quality of canned green beans falls below the standard in one only of the following respects:

(1) "Excesive Number Very Short Pieces," if the canned green beans fail to meet the requirements of § 51.11 (a) (1).

(2) "Excessive Number Blemished Units," if they fail to meet the requirements of § 51.11 (a) (5).

(3) "Excessive Number Unstemmed Units," if they fail to meet the requirements of § 51.11 (a) (6).

(4) "Excessive Foreign Material," if they fail to meet the requirement of § 51.11 (a) (8).

§ 51.16 *Canned wax beans; quality; label statement of substandard quality.* (a) The standard of quality for canned wax beans is that prescribed for canned green beans by § 51.11 (a) and (b).

(b) If the quality of canned wax beans falls below the standard of quality prescribed by paragraph (a) of this section the label shall bear the statement of substandard quality in the manner and form specified in § 51.11 (c) for canned green beans.

Effective date. The amendments hereby promulgated shall become effective on the ninetieth day following the publication of this order in the *Federal Register*.

(Secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371.)

Dated: June 30, 1948.

[SEAL] OSCAR R. EWING,
Administrator.

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